



July 2, 2008

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VIA FACSIMILE ONLY [212-805-7941]

The Honorable Loretta A. Preska
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Williams et al. v. Twenty Ones, Inc. et al.*, Case No. 07-CV-3978

Dear Judge Preska:

As we feared, plaintiffs have again used the press in an attempt to gain publicity for their lawsuit against "Rap mogul Jay-Z." At the Court Conference held on June 24, 2008, we sought the Court's decision on defendants' motion to dismiss the claims against Shawn Carter, a/k/a Jay-Z, and Juan Perez before ruling on plaintiffs' motion for conditional certification. Plaintiffs have acknowledged at their depositions and in their interrogatory answers that they have no facts sufficient to establish that either gentleman is an employer of individuals who worked at The 40/40 Club. Nevertheless, plaintiffs' counsel have consistently used Jay-Z's name for personal aggrandizement and publicity. Indeed, Mr. Kirshenbaum stated that he would become partner because he sued Jay-Z, which he has.

The exploitation of Jay-Z's celebrity status is particularly outrageous in light of counsel's representation to the Court that they would omit reference to Mr. Carter and Mr. Perez from the opt-in notice. This representation is hollow since counsel continues to publicize that they have claims against Jay-Z and the false suggestion that the Court has found legitimacy to such a claim.¹ We must, therefore, renew our request that the Court rule on defendants' motion to dismiss prior to circulation of an opt-in notice or, at a minimum, delay notice for a period of thirty days while restricting plaintiffs' counsel from further commenting to the press concerning this matter.

¹ See the Daily News article, attached hereto as Exhibit A. In addition, several other media outlets have run stories misrepresenting Your Honor as having "paved the way for a class-action law suit against rapper Jay-Z and his nightclub 40/40." See NY Post, attached hereto as Exhibit B.

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While seeking to gain their own publicity, plaintiffs' counsel has sought to gag the Club from communicating with its own employees concerning this case. In response to our question for their position concerning the Club's communications to its employees, counsel opined that Your Honor's approval of notice restricted all other communications about this case (other than, we must assume, plaintiffs' communications to the press). We think it unreasonable to limit a company's communication with putative class members, except where such communication is misleading or coercive. We seek confirmation from the Court that the Club may communicate with its current and former employees about this case and any unpaid wages.

We believe these issues must be addressed immediately, and request that a conference be held at Your Honor's earliest convenience.

Respectfully submitted,



Andrew P. Marks (AM-0361)

cc: D. Maimon Kirschenbaum, Esq. (via facsimile)
Richard Burch, Esq. (via facsimile)